

REMARKS

Claims 1, 3-7, 9-19, 21-23, 25-27, 29-34, 36-41, and 43-53 are pending in the present application. In the above amendments, claims 1, 17, 34, and 47 have been amended. No claims have been cancelled or added. Therefore, after entry of the above amendments, claims 1, 3-7, 9-19, 21-23, 25-27, 29-34, 36-41, and 43-53 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

I. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-7, 10-11, 13-19, 21-23, 25-27, 29-32, 34, 36-41, 43, and 45-50 as being anticipated by Kim, U.S. Patent Publication No. 2003/0078061 (hereinafter "Kim"). The rejection is respectfully traversed.

To anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim and "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (see MPEP §2131).

Claim 1 now recites in part as follows:

"... the first and second wireless principles are different from each other, and wherein the first wireless receiver and the second receiver are located on the same receiving device" (Claim 1).

The Office action asserts that Kim discloses a method and apparatus as per claims 1, 5-7, 10-11, 13-19, 21, 25-27, 29-32, 34, 38-41, 43, 45, and 47-50. However, Applicants submit that Kim does not disclose "...the first and second wireless principles are different from each other" as Claim 1 recites.

The Office Action states that Kim in paragraphs [0033] and [0053] describes separate wireless principles for the receivers. However, [0033] only describes a traffic and control channel. Kim does not mention anywhere a separate wireless principle for the traffic and control channel. In conjunction [0053] only mentions "TDMA." It does not mention anywhere a separate wireless principle for the traffic and control channels. Moreover, Kim describes the control (SSCH) and the data (CTBCH) as a **time multiplexed wireless principle (Fig. 11 and**

paragraph [0054]). Thus, Kim is describing the two channels as having the same wireless principal; that of TDMA. Kim does not describe **anywhere** a first and second receiver utilizing different wireless principles for the multimedia stream (data) and control links. Kim only describes either TDMA principle or an OFDM principle for both the traffic and control channels.

Applicant's respectfully disagree with the rejection of Kim under 35 U.S.C. § 102, because the identical invention is not shown in complete detail. One part of the description states TDMA can be used on a SSCH channel [0053] and another part of the description, for example in [0035], describes OFDM for transmission systems, but Kim does not describe different wireless principals being used together in one embodiment. The claimed subject matter clearly recites "first and second wireless principles are different from each other." Thus, the identical invention is not contained in the disclosure. However, Applicants have amended the claims to clearly bring out this aspect: Claim 1 now recites "wherein the first wireless receiver and the second receiver are located on the same receiving device."

Thus, Kim does not teach or disclose all of the limitations of Claim 1 and the identical invention is not contained in the disclosure. For at least this reason Claim 1 is patentable. Claims 17, 34, and 47 contain similar limitations as to Claim 1, and for at least the same reasons as stated for Claim 1, Claims 17, 34, and 47 are patentable.

Dependent claims 5-7, 10-11, 13-16, 18-19, 21, 25-27, 29-32, 38-41, 43, 45, 48-50 dependent from patentable independent claims, and are patentable for at least the same reasons as stated with respect to the independent claims and other novel features contained therein.

Therefore, for at least the foregoing reasons, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102.

II. REJECTIONS UNDER 35 U.S.C. § 103

A.) Claims 12, 31, and 44 are rejected as being unpatentable over Kim in view of McGarrah et al. US 2003/0026424 (hereinafter "McGarrah"), and in further view of McClellan, U.S. Patent Publication No. 2004/008794 (hereinafter "McClellan"). The rejection is respectfully traversed.

As stated with respect to Claim 1, Kim does not teach or disclose all of the limitations of Claim 1. Moreover, the nonobviousness of the independent claims precludes a rejection of the dependent claims, because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03.

Neither Kim, McGarrah, nor McClellan independently or combined teach or disclose all of the independent claims. Therefore claims 1, 34, and 47 are patentable. Dependent claims 12, 31, and 44 depend from patentable independent claims, and for at least the same reasons as stated with respect to the independent claims, claims 12, 31, and 44 are patentable and for other novel features contained therein.

Therefore, for at least the foregoing reasons Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103.

B.) Claims 29 and 51-53 are rejected as being unpatentable over Kim in view of well known knowledge in the art. The rejection is respectfully traversed.

As stated with respect to Claim 1, Kim does not teach or disclose all of the limitations of Claim 1. Moreover, the nonobviousness of the independent claims precludes a rejection of the dependent claims, because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03.

Therefore Claim 1 is patentable. Claims 17, 34, and 47 contain similar limitations as to Claim 1, and for at least the same reasons as stated for Claim 1, claims 17, 34, and 47 are patentable.

Dependent claims 29 and 51-53 depend from patentable independent claims, and for at least the same reasons as stated with respect to the independent claims, claims 29 and 51-53 are patentable and for other novel features contained therein.

Therefore, for at least the foregoing reasons Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103.


CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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